

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LESTER H. HARRIS,)	
)	
Plaintiff,)	Civil Action No. 05-492
)	
v.)	Judge David S. Cercone
)	Magistrate Judge Lisa Pupo Lenihan
DEPARTMENT OF VETERANS)	
AFFAIRS,)	
)	
Defendant.)	

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on April 14, 2005 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 13) filed on March 2, 2006, recommended that the Motion to Dismiss or in the alternative, Motion for Summary Judgment filed by Defendant be granted. Service was made on all counsel of record and on Lester Harris, pro se. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this ^{7th} 29 day of March, 2006;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss or in the alternative, Motion for Summary Judgment (Doc. No. 4) is granted.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 13) of Magistrate Judge Lenihan, dated March 2, 2006, is adopted as the Opinion of the Court.



David S. Cercone
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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